

**PLANNING BOARD  
Town of Kirkwood  
70 Crescent Drive  
Kirkwood, NY 13795**

**September 11, 2023  
Meeting Minutes**

Present: Mike Maciak, Associate Member                      Chad Moran, Building & Code Inspector  
          Kevin Balachick, Member                                Gina Middleton, Attorney  
          Gordie Woolbaugh, Member  
          Dan Wasson, Member  
          Jim Bukowski, Acting Chairperson

Absent: Matt Williams, Associate Member

Jim Bukowski called the meeting to order at 7:00 PM.

Jim Bukowski explained that Marchie Diffendorf has resigned, he had been on the board for a very long time and his contributions to this town far exceed anyone he knows of. He is right up there with Joe and all the other guys that made this town what it is today.

**ACTING CHAIRMAN APPROVAL:**

Motion by Dan Wasson and seconded by Mike Maciak to approve Jim Bukowski as Acting Chairperson for the Town of Kirkwood Planning Board pursuant to Section 1502.2 of the Town of Kirkwood Zoning Local Law.

Roll Call Vote:	Mike Maciak	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Jim Bukowski	Abstain

Motion Carried.

**APPROVAL OF MINUTES:**

Motion by Kevin Balachick and seconded by Gordie Woolbaugh to approved the minutes from the August 14, 2023 meeting as submitted. All voted in favor, motion carried.

**REPORT AND RECOMMENDATION – LOCAL LAW NO. 4-2023 ENTITLED “A LOCAL LAW AMENDING THE ZONING CODE REGARDING SOLAR ENERGY SYSTEMS”:**

Acting Chairperson Bukowski explained this is a change in the solar local law, restricting commercial solar energy systems in Residence and Residence 1 districts.

Dan Wasson commented he thinks it is a good ideal to keep it out of residential areas, it is not the place for it.

Acting Chairperson Bukowski explained this piece of legislation has no bearing on the Seidel Solar Farm, it is two different pieces of legislation. Unfortunately, the timing of them are on the same night, which can be confusing. The order of business we are taking care of now is amending the zoning law, the code, to restrict residential development of solar. The second piece of this is the continuation of the scoping document.

Ms. Middleton explained it is a zoning amendment for the zoning for commercial solar. Today's action by the board is a report and recommendation as to that piece as it applies to zoning in the Town of Kirkwood. Ms. Middleton will send a copy of the Local Law to Mr. Tim Gourley.

Motion by Dan Wasson and seconded by Kevin Balachick to endorse the Town Board of the Town of Kirkwood to act as Lead Agency in regards to this SEQR Review associated with Local Law No. 4-2023 pursuant to 6 NYCRR part 617.6.

Roll Call Vote:	Mike Maciak	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Jim Bukowski	Yes

Motion Carried.

Ms. Middleton read the resolution into the record regarding the Report and Recommendation of the Planning Board Relating to Local Law No. 4-2023 and is included with the minutes of the meeting.

Acting Chairperson Bukowski explained that when the Town Board takes on a new zoning, which is required by NYS, they have to enter into some kind of agreement to promote solar energy. They spent a long time debating back and forth to create a code that made reasonable sense for our community and what was required by NYS. Once it is put into practice it is a malleable document, things come up and you have to adjust. That is what this amendment is about, which deals with commercial structures in residential areas. Kirkwood has one of the strongest solar policies compared to other municipalities.

Motion by Mike Maciak and seconded by Dan Wasson approving a Resolution for the Report and Recommendation of the Planning Board Relating to Local Law No. 4-2023.

Roll Call Vote:	Mike Maciak	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Jim Bukowski	Yes

Motion Carried.

**CONTINUANCE OF THE SCOPING DOCUMENT DISCUSSION – TRACT ENGINEERING – SIEDEL SOLAR FARM:**

Ms. Middleton explained that last time the board discussed the Scoping Document which included the process and the timeline. The board needs to provide the applicant a Final Scoping Document which will be used to draft the EIS. Mr. Gourley provided the Draft Scoping Document and there were some questions and discussion about things the board wanted tightened up or more detail so tonight would be the time to do that so a Final Scoping Document can be provided to the applicant. Mr. Gourley asked if the Town would provide that final document to him and Ms. Middleton stated yes.

Ms. Middleton reviewed with the Board the items that were discussed at the last meeting which included updating the market study to address properties that were within sight or next to an actual solar project, the five utility poles with one pole near the entrance and talking to NYSEG about pushing the other poles further back, and the construction of a concrete barrier to prevent sound issues.

Ms. Middleton read into the record an anonymous letter that was received and is included in the file. Ms. Middleton noted that this letter was not relative to the Scoping Document, which is what the written submissions were meant to be for.

There was a discussion regarding the installation of the concrete barrier if noise were to become an issue and the Board decided that shouldn't be part of the Final Scoping Document. If there is an issue with noise after installation of the solar farm, the concrete barrier would be part of the mitigation. Ms. Middleton explained that the scoping document doesn't create requirements, it is an analysis of potential mitigation concepts in the event they are needed. The scoping document is a document that defines the scope of what the EIS is going to address.

Members of the public asked if they could speak and ask questions and they were told no, it isn't a public hearing. Ms. Middleton explained the applicant can speak because it is specific to the scoping document. The public had the last 20 days to comment as well as the public hearing at the last meeting. This is the exact same scoping document that there was a public hearing on last time.

Ms. Middleton will include in the Final Scoping Document the following: Analysis of property values/market study to specify properties that are actually within sight of the solar farm or next to and keeping one pole located at the entrance and the others set back into the property.

Motion by Kevin Balachick and seconded by Gordie Woolbaugh to approve the Final Scoping Document with the following additions:

1. Analysis of property values/market study to specify properties that are actually within sight of the solar farm or next to.
2. Keeping one pole located at the entrance and the others set back into the property.

Roll Call Vote:	Mike Maciak	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Jim Bukowski	Yes

Motion Carried

Motion by Gordie Woolbaugh and seconded by Dan Wasson to adjourn the meeting. The meeting was adjourned at 7:27 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

cc: Planning Board Members	Bob McKertich
Kelley Diffendorf	Gina Middleton
John Finch, Jr.	Katie Legg
Chad Moran	Scott Snyder

## **TOWN OF KIRKWOOD PLANNING BOARD**

### **A RESOLUTION FOR THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD RELATING TO LOCAL LAW NO. 4-2023**

At a meeting of the Planning Board of the Town of Kirkwood ("Planning Board"), held at Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, New York on the 11th day of September, 2023, the following resolution was offered and seconded:

**WHEREAS**, on September 5, 2023, at a regularly scheduled meeting of the Town Board of the Town of Kirkwood, the Town Board discussed proposed Local Law No. 4-2023 entitled "A Local Law Amending the Zoning Code Regarding Solar Energy Systems" ("Solar Law Amendment"); and

**WHEREAS**, at the Town Board meeting held on September 5, 2023, the Town Board of the Town of Kirkwood referred the Solar Law Amendment to the Planning Board for its Report and Recommendation; and

**WHEREAS**, the Planning Board, after due deliberation, finds it in the best interest to recommend the proposed Solar Law Amendment.

**NOW, THEREFORE BE IT RESOLVED**, that based upon the Planning Board's review and assessment of the proposed Solar Law Amendment, it hereby recommends the adoption of the Solar Law Amendment for the following reasons:

- a. The desire to balance the need to increase responsible renewable energy sources with concerns relating to the preservation of public health, welfare, and safety, and to minimize impacts on visual and aesthetic values in the Town of Kirkwood.
- b. The need to minimize adverse impacts on existing, more densely populated residential areas in the Town of Kirkwood.
- c. A rise in interest in the establishment of solar energy systems, the pace and frequency of which is greater than that initially contemplated by the Planning Board when it reviewed and recommended Local Law No. 6-2022 in July 2022, led to the need to re-evaluate the law and the suitability of solar energy systems within more densely populated areas.
- d. An increase in public interest and public participation in solar energy systems has led to more developed conversation surrounding the same.
- e. The proposed Solar Law Amendment is consistent with the Town of Kirkwood Comprehensive Plan requiring the Town of Kirkwood to implement zoning with relation to such solar energy systems that is compatible with the general health, safety, and welfare of the residents of the Town of Kirkwood.
- f. The proposed Solar Law Amendment is consistent with the Zoning Code of the Town of Kirkwood which states that "the purpose of the Residence District is to preserve the traditional village neighborhoods within the Town" (§ 301.1.B.1) and "the purpose of the Residence 1 District is to preserve and balance the traditional village neighborhoods and the rural community within the Town" (§ 301.1.B.2)

which requires an analysis of the appropriateness of allowing commercial solar uses in traditional residential neighborhoods.

; and it is further

**RESOLVED**, that the Secretary to the Planning Board be and hereby is directed to enter this Report and Recommendation into the minutes of this meeting; and it is further

**RESOLVED**, that the acting Planning Board Chairman, Attorney for the Town, and other Town Officers are authorized to take such additional and further action as is necessary to implement this resolution; and

**RESOLVED**, that this resolution shall take effect immediately.

**CERTIFICATION**

I, Mary Kay Sullivan, do hereby certify that I am the Secretary of the Town of Kirkwood Planning Board and that the foregoing constitutes a true, correct, and complete copy of a resolution duly adopted by the Town of Kirkwood Planning Board at a meeting thereof held at Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, New York on the 11th day of September, 2023. Said resolution was adopted by the following roll call vote:

Acting Chairman James Bukowski	<u>Yes</u>
Board Member Kevin Balachick	<u>Yes</u>
Board Member Daniel Wasson	<u>Yes</u>
Board Member Walter Woolbaugh	<u>Yes</u>
Assoc. Board Member Mike Maciak	<u>Yes</u>

Dated: September 11, 2023

Town of Kirkwood Seal

  
*Mary Kay Sullivan*  
Mary Kay Sullivan  
Secretary of the Planning Board

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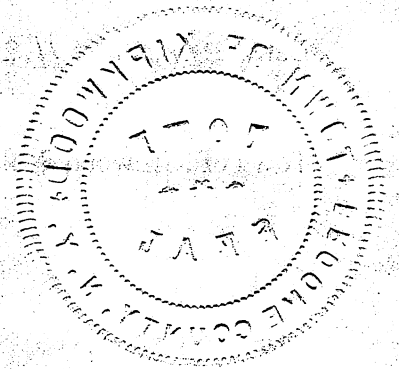
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**RESOLUTION**

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